

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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RANDIN DIVELBISS,

Plaintiff,

v.

OPINION and ORDER

MADISON PUBLIC LIBRARY STAFF  
and DIRECTOR GREG MICKELLS,

23-cv-330-jdp

Defendants.

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Plaintiff Randin Divelbiss, appearing pro se, alleges that Madison library staff violated his First Amendment rights by banning him from the library for a year. I dismissed Divelbiss's original complaint for violating Federal Rule of Civil Procedure 8 and gave him an opportunity to file an amended complaint. Dkt. 5.

Divelbiss has filed an amended complaint that fares no better than his original complaint. Dkt. 6. He states that he was banned from the library for offending staff but he does not explain his actions that led to the ban or why he believes the ban was unjustified. Without more information about what happened, I cannot assess whether he can state a claim for violation of his First Amendment rights.

I will give Divelbiss a final chance to submit an amended complaint stating the basis for his claims. In drafting his amended complaint, Divelbiss should remember to do the following:

- Carefully consider whether he is naming proper defendants and omit defendants who did not personally cause or participate in a violation of his rights.
- Identify all of the individuals who he wishes to sue in the caption of the complaint.
- Describe simply and concisely what actions he believes that each defendant took that violated his rights, using separate, numbered paragraphs. He should state

his allegations as if he were telling a story to someone who knows nothing about the events.

- If he does not know the identity of particular defendants, he may label them as John Doe No. 1, John Doe No. 2, and so on. The court has procedures by which he may make discovery requests to identify those defendants later in the case.

If Divelbiss fails to submit an amended complaint by the deadline set below, I will dismiss the case.

#### ORDER

IT IS ORDERED that:

1. Plaintiff Randin Divelbiss's amended complaint, Dkt. 6, is DISMISSED.
2. Plaintiff may have until July 12, 2023, to submit an amended complaint as directed in the opinion above.

Entered June 21, 2023.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge